

About the Help America Vote Act

- After the controversial 2000 presidential election, Congress passed the Help America Vote Act of 2002 (HAVA) to **improve elections and modernize voting equipment**. This landmark legislation expanded the federal government's role in elections through mandates and standards and marked the first time the federal government would provide funding to the states for election reforms.
- The law, which received **bipartisan support in Congress**, mandates a number of reforms but leaves it to the states to decide how to implement them. HAVA's most significant requirements include: **new voting equipment to replace punch card and lever machines, statewide voter registration systems and provisional ballots**. The law also provides the states with money to conduct voter education campaigns and poll-worker training programs.
- The deadline for implementing most of the law's mandates was January 1, 2006, but, largely because of delays at the federal level, most states will not complete the reforms until they hold their first federal elections this year. **Indiana, however, has completed many of the deliverables that other states have fallen short of, markedly the Statewide Voter Registration System.**

Statewide Voter Registration Systems

- HAVA requires that each state **implement a statewide voter registration system** that includes the name and registration information for every voter in the state and assigns a unique identifier to each one. The law also calls for voter records to be compared to the state's motor vehicle department records.
- In the past, voter registration lists were maintained at the local level. The new statewide databases will be **managed at the state level**, and should help streamline election administration. For the first time, local election officials will have the ability to view voter registration information beyond the confines of their own county's borders. Local officials now can direct voters to their appropriate polling place even if that location is on the other side of the state.
- Indiana was one of the first states to implement a statewide voter registration system. The state completed the system in November 2005 and, in fact, did more than meet the minimum requirements. Indiana linked the system to the state's **Bureau of Motor Vehicles and to its Departments of Health and Corrections** in order to increase the accuracy of voter records and to prevent voter fraud.
- **The state also reviewed its voter registration records and identified close to 300,000 possible duplicate registrations; as many as 29,000 records for voters who may be deceased; and approximately 5,600 potential registered felons.** The Secretary of State's office is working now to confirm and eliminate any unlawful or inaccurate registration records.

- According to a survey conducted by the National Association of Secretaries of State (NASS), the states will spend most of their federal election reform money on the registration systems. More than half of the survey's respondents said their states will spend up to 40 percent of their HAVA funds on the system, and one in five states will spend as much as 70 percent. Indiana spent approximately 19 percent of its HAVA money on the system.

Voting Equipment

Under HAVA, states must implement a voting system that:

- Notifies a voter if he or she selects more than one candidate for the same race, and gives that voter the opportunity to correct the ballot;
 - Produces a permanent paper record with a manual audit capacity;
 - Provides levels of access, privacy and independence to voters with disabilities that are equal to those available to other voters; and
 - Provides voting information in Spanish and other languages as required by the Voting Rights Act.
- Voters in most states can expect to see at least one piece of new equipment in their polling places in 2006 since HAVA requires that **a minimum of one machine per polling place be accessible to people with disabilities. Every Indiana county has ordered the updated equipment** and delivery is expected before the May 2, 2006 Primary. According to Electionline.org, 41 percent of registered voters will use optical scan equipment in 2006; 38 percent will use electronic voting equipment; 11 percent will use lever machines; and the rest will use punch cards, paper ballots or some combination of systems.
 - When HAVA passed, 37 Indiana counties were using lever machines and punch card voting equipment. **All of that equipment has now been replaced** with optical scan and electronic touch screen voting equipment. In 2006, **65 percent of Indiana's counties will use touch screen machines and 35 percent of the counties will use optical scan equipment.**
 - The state is working now to improve access for people with disabilities to polling places and voting equipment. The state **commissioned a survey of all of its polling places in 2004** to determine what improvements could be made to improve access. Due to these new standards, some polling places will change location this year. Other will be modified by adding ramps, signs doorknob converters, and other items, to bring them into compliance.
 - Indiana will spend **69 percent of its election reform money on new voting equipment.** Thirty-three percent of the states that responded to a NASS survey said they will spend between 60% and 90% on voting equipment.

Provisional Ballots

- HAVA guarantees that anyone who says they are eligible to vote will be given a ballot on Election Day. **Provisional balloting acts a safety net** for the voter who **may have erroneously been removed from the voter list and to guard against fraudulent voting practices.**
- Beginning in 2004, provisional ballots were issued to any voter whose name did not appear on the voter registration rolls or whose right to vote in a particular jurisdiction was challenged, but who said they were eligible.
- Provisional ballots are **individually examined by election officials** to determine whether or not the ballot will be counted. HAVA allows states to determine under what conditions those ballots will or will not count. **Twenty-six states, including Indiana, require that the ballot be cast in the voter's correct precinct in order for it to be counted.**
- A voter may contact election officials to find out whether his or her provisional ballot was counted. Contact information may be obtained from poll workers or posters at the polling place. Additionally, a public access system will be available for a provisional voter to check the status of the provisional ballot (e.g. find out whether the ballot was counted).

Voter Education and Poll Worker Training

- For the first time, **HAVA allowed the states to use federal funds to help pay for comprehensive voter education and poll worker training efforts.** In 2004, the states could afford to conduct mock elections, distribute sample ballots, provide easy-to-read instructional guides to voters and produce public service announcements – all designed to help educate voters.
- States also launched more **comprehensive poll-worker training programs** in 2004 than ever before. Poll-worker training programs are typically conducted at the county level, but an overwhelming majority of chief state election officials report that they have taken a more active role since HAVA passed.
- Indiana, for example, is conducting a comprehensive train the trainer program for poll worker trainers. As part of the program, which was offered free of charge to every county in the state, **Indiana issued guidebooks with step-by-step instructions for poll workers and produced poll worker training videos.** State officials also designed a training curriculum for poll workers and organized train the trainer sessions throughout the state. **Two hundred clerks, election board members and poll worker trainers from 84 of Indiana's 92 counties attended the sessions.**
- Indiana and other states hope to continue their voter education and poll worker training efforts, but they may be forced to scale back due to lack of funding. Congress

failed to appropriate \$800 million in authorized HAVA funds for fiscal year 2005 – money the states were counting on to help pay for future voter education campaigns.

Other Key Components of HAVA

In addition to providing election reform directives to the states, the law also created the bipartisan **Election Assistance Commission** to serve as a national clearinghouse for election administration information and guidelines, and it established a committee to oversee voting machine testing and guidelines.